

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG DIVISION**

**MICHAEL A. CORBIN, d/b/a
MOUNTAIN HERITAGE REALTY, LLC,**

Plaintiff,

v.

CHHS INVESTMENTS, LLC,

Defendant.

**Civil Action No. 3:16-cv-171 (Groh)
Judge Groh**

ELECTRONICALLY FILED Dec 27 2016 U.S. DISTRICT COURT Northern District of WV
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NOTICE OF REMOVAL

Defendant CHHS INVESTMENTS, LLC (“CHHS”), by counsel, gives notice of its removal of this civil action now pending in the Circuit Court of Hampshire County, West Virginia as Civil Action No. CC-14-2016-C-92 pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 on the basis of diversity jurisdiction. CHHS states the following in support of its removal of this civil action:

1. “Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

2. United States District Courts have original jurisdiction over all “civil actions where the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and is between citizens of different States.” 28 U.S.C. §1332(a).

3. The Plaintiff, MICHAEL A. CORBIN, d/b/a MOUNTAIN HERITAGE REALTY, LLC is a citizen of West Virginia for purposes of diversity jurisdiction and removal. Compl., ¶1.

4. The Defendant, CHHS INVESTMENTS, LLC (“CHHS”) is a citizen of Florida for purposes of diversity jurisdiction and removal. Compl., ¶¶2-4.

5. There is complete diversity of citizenship between the Plaintiff (a West Virginia citizen) and CHHS (a Florida citizen).

6. The Plaintiff’s Complaint alleges breach of contract and seeks an award of \$282,500.00 in monetary damages. *See* Compl., ¶¶19-20. The amount in controversy in this matter therefore exceeds the \$75,000.00 threshold for diversity jurisdiction.

7. The United States District Court for the Northern District of West Virginia, Martinsburg Division, has original jurisdiction over the above-captioned civil action pursuant to 28 U.S.C. §1332 because it involves a dispute between citizens of different states (i.e., a West Virginia plaintiff, and a Florida defendant), the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and Hampshire County falls within the Martinsburg Division of the Northern District of West Virginia.

8. CHHS timely removed this action within 30 days of receiving the Plaintiff’s Complaint from the West Virginia Secretary of State on November 29, 2016. *See* <http://apps.sos.wv.gov/business/service-of-process/Home/USPSStatusDetails/123630>. *See also Lilly v. CSX Transportation, Inc.*, 186 F.Supp.2d 672, 675 (S.D.W.Va. 2002) (“where service of process is effected on a statutory agent, the time for removal does not begin to run until the defendant has actually received a copy of the process.”).

9. CHHS has filed a copy of all process, pleadings, and orders in the above-captioned civil action with this Notice of Removal in accordance with 28 U.S.C. §1446(a). *See Attachment A*.

10. CHHS has served a copy of this Notice of Removal on all adverse parties and filed a copy of this Notice of Removal with the Clerk of the Circuit Court of Hampshire County, West Virginia in accordance with 28 U.S.C. §1446(d).

11. CHHS has provided the required filing fee of four hundred dollars (\$400.00) by credit card to the Clerk of the United States District Court for the Northern District of West Virginia with this Notice of Removal.

DATED the 27th day of December 2016.

CHHS INVESTMENTS, LLC
Defendant, by Counsel

/s/ Charles F. Printz, Jr.
Charles F. Printz, Jr. (WVSB #2985)
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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of December 2016, I served the foregoing Notice of Removal with the Clerk of the Court using the E-Filing system, a copy of which will be sent via United States Mail postage prepaid to the following counsel of record, :

Jonathan G. Brill Esq.
JONATHAN G. BRILL, PLLC
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Romney, West Virginia 26757

Counsel for Plaintiff Michael A. Corbin

/s/ Charles F. Printz, Jr.
Charles F. Printz, Jr.